

### **REMARKS**

Claims 20, 21, 24, 26, and 34-37 are pending in the present application.

This Amendment is in response to the Office Action mailed October 16, 2009. In the Office Action, the Examiner objected to the drawings, rejected claims 25 and 27 under 35 U.S.C. § 112, first paragraph, and claims 20, 21, 24, 26, and 34-37 under 35 U.S.C. § 103.

Applicant has canceled 35 and 37, and amended claims 20, 21, 24, 26, and 34-37. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

### **OBJECTION UNDER 37 C.F.R. 1.83(a)**

In the Office Action, the drawings are objected to under 37 CFR 1.83(a). The Examiner stated, “[T]he drawings must show every feature of the invention specified in the claims. Therefore, the “section input information indicating whether a surface of a document is slippery” must be shown or the feature(s) canceled from the claim(s). In response, the Examiner has canceled claims 35 and 37. The objection is now moot. Therefore, Applicant respectfully requests the objection be withdrawn.

### **REJECTION UNDER 35 U.S.C. § 112**

The Examiner rejected claims 25 and 27 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, has possession of the claimed invention.

Claims 25 and 27 were canceled in the previous response(s) and therefore the rejection is moot. Applicant respectfully requests the rejection be withdrawn.

### **REJECTIONS UNDER 35 U.S.C. § 103**

The Examiner rejected, under U.S.C. § 103(a): (1) claims 20, 21, and 24, as being unpatentable over U.S. Patent No. 5,852,501 issued to Maehara ("Maehara") in view of U.S. Patent No. 5,796,928 issued to Toyomura ("Toyomura") further in view of U.S. Patent No. 6,201,944 issued to Onuki ("Onuki"), (2) claim 26 as being unpatentable over Maehara in view of Toyomura, (3) claim 34 as being unpatentable over Maehara in view of Toyomura further in view of Onuki further in view of U.S. Patent Application Publication No. US 2003/0038989 filed by Yokota ("Yokota"), (4) claim 35 as being unpatentable over Maehara in view of Toyomura further in view of Onuki further in view of U.S. Patent No. 5,708,953 issued to Morigami ("Morigami"), (5) claim 36 as being unpatentable over Maehara in view of Toyomura further in view of Yokota, and (6) claim 37 as being unpatentable over Maehara in view of Toyomura further in view of Morigami. Applicant respectfully traverses the rejections for the following reasons.

Maehara discloses an image reader with an automatic document feeding (ADF) unit (Abstract), a document tray (element 13), etc. Maehara, however, does not disclose a separation control section for controlling the timing of starting a separating operation.

Toyomura discloses that the initial setting value of the transport speed is set to a reading speed for the monochrome image copy and that the transport speed is reduced if the judgment result of the copy attribution by the CPU

indicates the color image copy. In other words, Toyomura discloses that the initial value is set to a reading speed for reading monochrome image copy and it reduces to a lower speed if it is determined that the image copy to be read is a color image color (Col. 10, lines 33-55). Toyomura discloses the control of a transport speed depending on the type image copy (i.e., monochrome or color) while In contrast to the present invention where what is claimed is the control of the starting time of a separating operation of a next document. In the present invention, the starting time of the separating operation of a next document is set to later if it is determined that that the information inputted on the material of the document is predetermined information, wherein if the information inputted on the material of the document is not predetermined information, the starting time of the separating operation is set to sooner. Toyomura discloses a reading speed which has speed unit (i.e., mm/sec.) while the present invention claimed the timing of starting an operation which has a time unit (i.e., sec.). In other words, what is claimed in the present invention is that the starting time of a separating operation is started later if the information inputted on the material of a document is predetermined information or if the recording mode is a color recording mode than the starting time of the operation if the information inputted is not the predetermined information or the recording mode is a monochrome mode, respectively.

Onuki discloses an operation panel which composes a copy start key, a numeric keypad, and various input keys including a manual mode switch key for selecting the monochrome copy mode or the color copy mode and an auto mode switch key for automatically selecting the monochrome copy mode or the color copy mode depending on whether a read document is a color document or not (Col. 8, lines 48-63). No where in Onuki that discloses a separating control

section for controlling timing of starting of a separating operation wherein the timing of starting an operation is later if it is determined that the information inputted on the material of the document is predetermined information.

Yokota discloses that in a sheet original feeding portion, there are disposed an original feed detecting sensor and an original edge detecting sensor. The original edge detecting sensor is adapted to detect the passage of the leading edge and trailing edge of the sheet original. The detection signals are adapted to be used for the control of the timing of reading. Yokota may have disclosed the controlling of the timing of reading. However, unlike the present invention, the control of the timing of the reading is not the same as controlling time of a starting a separating operation of a next document where the timing is depended on whether the information inputted on the material of the document is the predetermined information or not or whether the recording mode is a color recording mode or a monochrome recording mode, the start time of the former ones is started later than the start time of the latter ones.

Morigami may have disclosed a section input information indicating whether a surface of a document is slippery or not. However, nowhere in Morigami discloses a separating control section for controlling timing of starting of a separating operation wherein the timing of starting an operation is later if it is determined that the information inputted on the material of the document is predetermined information.

Maehara, Toyomura, Onuki, Yokota, and Morigami, taken alone or in any combination, do not disclose, suggest, or render obvious a separating control section for controlling timing of starting of a separating operation wherein the timing of starting an operation is later if it is determined that the information inputted on the material of the document is predetermined information or if the

recording mode is a color recording mode. This aspect of the invention is supported in the specification on paragraphs 95 and 101 and is recited in amended claims 20 and 26.

Therefore, Applicant believes that independent claims 20, 26 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 103(a) be withdrawn.

**CONCLUSION**

Applicant respectfully submits that all of the claims pending in the application meet the requirements for patentability and respectfully requests that the Examiner indicate the allowance of such claims.

Any amendments to the claims which have been made in this response which have not been specifically noted to overcome a rejection based upon prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is required, please charge Deposit Account Number 502456.

Should the Examiner have any questions, the Examiner may contact Applicant's representative at the telephone number below.

Respectfully submitted,

December 8, 2009

/Caroline Do/

Date

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